

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

ETHLYN LOUISE HALL, ETHLYN HALL as trustee of the ETHLYN LOUISE HALL FAMILY TRUST, and ELSA EMILY HALL, <div style="text-align: right;">Plaintiffs,</div> v. SAMUEL HALL, Jr. and HALL & GRIFFITH, PC, <div style="text-align: right;">Defendants.</div>	3:11-cv-00054 Action for Damages and for an Accounting JURY TRIAL DEMANDED
SAMUEL HALL, Jr., <div style="text-align: right;">Plaintiff,</div> v. ELSA HALL, <div style="text-align: right;">Defendant.</div>	Civil No. 3:13-CV-00095 Action for Damages and for an Accounting JURY TRIAL DEMANDED

**MEMORANDUM IN SUPPORT OF MOTION FOR
PREFERENCE AND FOR RULINGS ON PENDING MOTIONS**

Defendant, Samuel Hall, has moved this Honorable Court, in this consolidated action, for a preference and for a ruling on motions pending before this Court for decision. This motion/petition is made to the sound discretion of the Court and pursuant to pursuant to 5 V.I.C. section 31(b). This section provides in relevant part:

b) Motion for preference; elderly; medical reasons; time of trial

(1) A party to a civil action who is over 70 years of age or older may petition the court for a preference, which the court shall grant if it finds that the party has a substantial interest in the action as a whole.

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This statute recognizes that advanced age of a litigant may provide an impediment to the full and complete adjudication of rights in a civil litigation and seeks to remedy that by requiring that litigants of advanced age be given preference on the court's calendar.

Although this statute may not be binding on the District Court of the Virgin Islands such that it requires and demands adherence to its terms, it is respectfully submitted that this Court should respect its guidance, especially in cases that must be decided based on the application of Virgin Islands law and where the case rests before the court solely on the basis of diversity of citizenship.

Mr. Samuel Hall has petitioned this court for preference and for a decision on pending motions that he believes will finally and fully resolve the issues pending before this court. Mr. Hall has stated by affidavit that he is now 75 years old and fears that health or other events beyond his control may prevent him from seeing this case to an end, or that for some reason he may be unable to aid in the preparation of this matter for further proceedings or to give testimony. The logic of granting the petition of Mr. Hall is evident.

Further, no prejudice to any other litigant can result from the grant of this request, since each of the parties is entitled to finality and no one will argue that justice delayed is not justice denied.

It is respectfully submitted that a decision on motions that are pending [for, (1) Summary Judgment on Elsa Hall's Conversion Claim and for Removal of Lis Pendens (ECF 487, 499, 500, 501, 502, 503, 504) and (2) Partial Summary Judgment

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to Dismiss Legal Malpractice Claims (ECF 489, 490, 491)] will materially advance or terminate this litigation. The issues related to these motions have been fully briefed. It is for this, and the reasons expressed that this court should grant Samuel Hall's petition for preference.

DATED: September 6, 2023

/s/ Robert L. King

Robert L. King, Esq.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6TH day of September, 2023, I electronically filed the foregoing *Memorandum in Support of Motion for Ruling and Preference on Pending Motions* with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing to:

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/s/Robert L. King